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Motion Pictures, LLC, Fully Attired Film Group,
6 LLC, Fully Attired Film Group, LP and Full
Circle Productions, LP
7

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 SUSAN SHALOV,
12 Plaintiff,

13 v.

14 MARK LANE; CAPITOL MOTION
PICTURES, LLC; FULLY ATTIRED FILM
15 GROUP, LP; FULL CIRCLE
PRODUCTIONS, LP,
16 Defendants.
17

CASE NO. 10CV0474H AJB

ANSWER TO COMPLAINT

18 Defendants Mark Lane, Capital Motion Pictures, LLC, Fully Attired Film Group, LLC,
19 Fully Attired Film Group, LP and Full Circle Productions, LP (“Defendants”), answer the
20 Complaint by plaintiff Susan Shalov (“Plaintiff”) as follows:

21 **ANSWER TO COMPLAINT**

22 1. Defendants lack knowledge or information sufficient to form a belief as to the truth
23 of the allegations in paragraph 1.

24 2. Defendants lack knowledge or information sufficient to form a belief as to the truth
25 of the allegations in paragraph 2.

26 3. Defendants admit that paragraph 3 purports to incorporate each allegation of
27 paragraphs 1 and 2 of the Complaint, and Defendants incorporate herein their answers to the
28 paragraphs.

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4. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4.

5. Defendants admit the allegations in paragraph 5.

6. Defendants admit that Capitol Motion Pictures, LLC is a limited liability company in Texas and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 6.

7. Defendants admit that Fully Attired Film Group, LLC is a limited liability company in California and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 7.

8. Defendants admit that Fully Attired Film Group, LP is a limited liability partnership in California and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 8.

9. Defendants admit that Full Circle Productions, LP, is limited liability partnership in California and lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 9.

10. The allegations in paragraph 10 consist of legal conclusions that require no answer.

11. The allegations in paragraph 11 consist of legal conclusions that require no answer.

FIRST CLAIM FOR RELIEF

12. Defendants admit that paragraph 12 purports to incorporate each allegation of paragraphs 1 through 11 of the Complaint, and Defendants incorporate herein their answers to the paragraphs.

13. Defendants deny the allegations in paragraph 13.

14. Defendants deny the allegations in paragraph 14.

15. Defendants deny the allegations in paragraph 15.

16. Defendants deny the allegations in paragraph 16.

17. Defendants deny the allegations in paragraph 17.

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SECOND CLAIM FOR RELIEF

18. Defendants admit that paragraph 18 purports to incorporate each allegation of paragraphs 1 through 17 of the Complaint, and Defendants incorporate herein their answers to the paragraphs.

19. Defendants deny the allegations in paragraph 19.

20. Defendants deny the allegations in paragraph 20.

THIRD CLAIM FOR RELIEF

21. Defendants admit that paragraph 21 purports to incorporate each allegation of paragraphs 1 through 20 of the Complaint, and Defendants incorporate herein their answers to the paragraphs.

22. Defendants deny the allegations in paragraph 22.

FOURTH CLAIM FOR RELIEF

23. Defendants admit that paragraph 23 purports to incorporate each allegation of paragraphs 1 and 22 of the Complaint, and Defendants incorporate herein their answers to the paragraphs.

24. Defendants deny the allegations in paragraph 24.

25. Defendants deny the allegations in paragraph 25.

26. Defendants deny the allegations in paragraph 26.

AFFIRMATIVE DEFENSES

Without assuming any burden it otherwise would not bear, which burden shall be determined by applicable law, Defendants allege their affirmative defenses as follows:

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

27. The Complaint and its allegations fail to state a claim upon which relief may be granted.

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SECOND AFFIRMATIVE DEFENSE

(Lack of Standing)

28. Plaintiff lacks standing to assert the claims made in the Complaint, and has not suffered injury as a result of the claims alleged.

THIRD AFFIRMATIVE DEFENSE

(Statutes of Limitation)

29. Plaintiff's claims are barred by the applicable statutes of limitation.

FOURTH AFFIRMATIVE DEFENSE

(Laches)

30. Plaintiff's claims are barred by the doctrine of laches.

FIFTH AFFIRMATIVE DEFENSE

(Estoppel)

31. Plaintiff's claims are barred in whole or in part by the doctrine of estoppel.

SIXTH AFFIRMATIVE DEFENSE

(Consent)

32. Plaintiff's claims are barred because Plaintiff directly or indirectly authorized, consented to, acquiesced in, or ratified some or all of the actions and omissions of which she complains.

SEVENTH AFFIRMATIVE DEFENSE

(Unclean Hands)

33. Plaintiff's claims are precluded in whole or in part by reason of Plaintiff's unclean hands.

EIGHTH AFFIRMATIVE DEFENSE

(No Contract)

34. Plaintiff's claims, to the extent they are based upon a purported contract, fail to identify the nature or terms of the contract, performance by Plaintiff, or breach.

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NINTH AFFIRMATIVE DEFENSE

(No Fraud)

35. Plaintiff's claims, to the extent they are based upon false representations or nondisclosure of facts, fail to identify any such misrepresentations or nondisclosures.

TENTH AFFIRMATIVE DEFENSE

(Statute of Frauds)

36. Plaintiff's claims are barred by the statute of frauds.

ELEVENTH AFFIRMATIVE DEFENSE

(Waiver)

37. The doctrine of waiver bars Plaintiff from prosecuting this action.

TWELFTH AFFIRMATIVE DEFENSE

(Speculative Damages/Failure to Mitigate)

38. Plaintiff is barred from recovery, in whole or in part, because her alleged damages are speculative and uncertain. To the extent Plaintiff has been damaged, if at all, she is barred from recovery by her failure to mitigate damages.

THIRTEENTH AFFIRMATIVE DEFENSE

(Lack of Causation)

39. Plaintiff's claims are barred in whole or in part because her alleged injuries were not caused by any conduct of Defendants.

FOURTEENTH AFFIRMATIVE DEFENSE

(Lack of Proximate Cause)

40. Plaintiff's claims are barred in whole or in part because her alleged injuries were not legally or proximately caused by any act or omission of Defendants.

FIFTEENTH AFFIRMATIVE DEFENSE

(No Equitable Relief)

41. Plaintiff's claims for equitable relief are barred, in whole or in part, because she has complete and adequate remedies, if any, at law.

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SIXTEENTH AFFIRMATIVE DEFENSE

(Additional Affirmative Defenses)

42. Defendants reserve the right to assert additional defenses that might be revealed by further legal analysis, investigation or discovery.

WHEREFORE, Defendants pray that:

- A. Plaintiff takes nothing by reason of her Complaint;
- B. Plaintiff's Complaint be dismissed with prejudice;
- C. Defendants recover their attorney fees;
- D. Defendants recover their costs of suit; and
- E. Defendants be awarded such further relief as the Court deems just and proper.

Dated: April 15, 2010

WERTZ McDADE WALLACE MOOT & BROWER
A Professional Corporation

By: /s/ John H. Stephens

John H. Stephens
Sarah H. Lanham
Attorneys for Defendants Mark Lane, Capitol
Motion Pictures, LLC, Fully Attired Film Group,
LLC, Fully Attired Film Group, LP and Full
Circle Productions, LP

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CERTIFICATE OF SERVICE

I caused the foregoing **ANSWER TO COMPLAINT** to be served in the following manner:

Electronic Mail Notice List

The following those currently on the list to receive e-mail notices for this case.

Bryan W. Pease, Esq.
302 Washington Street, Suite 404
San Diego, California 92103
(619) 723-0369
(619) 923-1001 fax
bwpeaselaw@gmail.com

Manual Notice List

The following is the list of attorneys who are not on the list to receive e-mail notices for this case and therefore require manual noticing:

NONE

/s/ John H. Stephens
jstephens@wertzmcdade.com

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